

**Strengthening EPA and State Performance
Maryland Department of the Environment
Section 106 Permits/Enforcement Work Plan
FY 2013 - End of Year**

State: Maryland

Area of Focus: Concentrated Animal Feeding Operations (CAFOs)

Goal: Ensure that permitting and compliance activities related to CAFOs that discharge to surface waters meet regulatory and statutory objectives.

Objectives:

- 1) Ensure all CAFOs obtain NPDES permit coverage sufficient to meet the national program goals for CAFOs.
- 2) Permits issued to CAFOs are protective of water quality and, where applicable, meet the objectives of the Chesapeake Bay Total Maximum Daily Load (TMDL).

EPA Activities:

- 1) EPA will oversee Maryland's (MD) CAFO program to ensure consistency with the federal CAFO regulations.
- 2) EPA will review MD's technical standards for CAFOs.
- 3) EPA will review MDE's enforcement policy applicable to CAFOs.
- 4) EPA will work with MDE to address minimum data elements for reporting, a reporting mechanism to track CAFO compliance monitoring, enforcement, and permitting activities.
- 5) EPA will work with MDE to increase availability of CAFO data into the ICIS national database.
- 6) EPA will conduct Quarterly Enforcement Management (QEM) calls with MDE.

State Activities:

- 1) MDE will work with EPA to ensure that MD's CAFO program is consistent with the federal regulations for CAFOs. Ongoing.

- 2) MDE will work with EPA in its review of MD's technical standard and coordinate with the Maryland Department of Agriculture as necessary. Ashley Toy was sent MDE's draft comments to EPA's review of Maryland's technical standard on 4-25-2013 and will set up a conference call to discuss these in the near future. A detailed draft response to EPA's comments was emailed to Ashley Toy on April 25, 2013. In a conference call on August 6, 2013 Ms. Toy requested that MDE concur with EPA's evaluation of Maryland's technical standards. Ms. Toy also provided that the next step in the process will be a discussion with EPA about how the Department can address EPA's comments on Maryland's technical standards. A letter was sent to Jon Capecasa on September 6, 2013. MDE is awaiting EPA's response
- 3) MDE will continue implementing the MD permit and compliance strategies. Ongoing.
- 4) MDE will participate in QEM calls to provide necessary information to support compliance and permitting activities. A QEM was held on May 13, 2013.

Measures:

- 1) Number of state inspections. 228 inspections from 10-1-2012 thru 9-30-2013.
- 2) Number of annual report reviewed (Annual Reports received from Maryland Department of Agriculture) 240 calendar year 2011 annual reports were reviewed from 10-1-2012 thru 9-30-2013.
- 3) Number and Percent of CAFOs with NPDES permit coverage. As of 9-30-2013, 389 CAFOs have been registered under the general permit out of 521 CAFOs that submitted NOIs or 75% have been registered.

State Reporting:

- 1) Semi-annual reporting through the Section 106 grant process (data reporting requirements for permitting and enforcement will be memorialized in the MDE enforcement policy). Done.
- 2) Report outputs/outcomes per the Measures Section (semi-annual through Section 106 grant process). Done
- 3) Status updates summarizing MDE CAFO permitting, compliance monitoring and enforcement activities not covered by the above reporting requirements (semi-annual through Section 106 grant process). N/A
- 4) QEM calls to track status of CAFO noncompliance. QEM held May 13, 2013. Next one has not been scheduled.